

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GUSTAVUS JACKSON,

Movant,

UNITED STATES OF AMERICA,

Respondent,

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No. 4:14CV417 RWS

MEMORANDUM AND ORDER

Movant brings a successive motion under 28 U.S.C. § 2255. I will dismiss it without further proceedings.

Movant pled guilty to possession with intent to distribute more than 100 grams of crack cocaine. I sentenced him to 120 months' imprisonment. The Court of Appeals for the Eighth Circuit affirmed. Movant subsequently filed a motion to vacate under § 2255, which I denied on the merits. Now, movant has filed this successive § 2255 motion, alleging actual innocence.

First, the instant motion is wholly conclusory and does not allege any facts, which if proved, would show that he is innocent. Second, because the motion is successive, movant cannot obtain relief in this Court without first obtaining permission from the Court of Appeals, which he does not have. 28 U.S.C. § 2244(b). As a result, I will dismiss this action without further proceedings.

Finally, movant has failed to demonstrate that jurists of reason would find it debatable whether the petition is successive. Thus, I will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

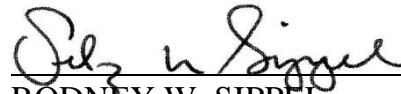
Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that I will not issue a certificate of appealability.

A separate Order of Dismissal will be issued forthwith.

Dated this 7th day of March, 2014.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE